898

SUPREME COURT OF THE UNITED STATES.

No. 152.

THE UNITED STATES, APPELLANTS,

vs.

RAFAEL SANCHEZ.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

INDEX.

	Original.	Print.
Proceedings before commissioners	1	1
Petition of claimant	3	2
Deposition of Wm. A. Richardson	5	2
Do. José Abrego	6	3
Grant and espediente	9	5
Map	11	6
Translation of grant and espediente	15	7
Opinion of commissioners	19	10
Decree and order of commissioners	19	10
Certificate of secretary	21	11
Certificate of clerk district court	22	11
Proceedings in district court	23	11
Petition for review	25	12
Answer	26	13
Deposition of T. Gonzales	27	14
Do. F. Soberanes	31	16
Decree of district court	35	19
Appeal granted	36	19
Clerk's certificate	37	20

GIDEON, Print.

Transcript of the proceedings in case No. 674—Rafael Sanchez, claimant, vs. The United States, defendant—for the place named "San Lorenzo."

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this first day of March, anno Domini one thousand eight hundred and fifty-three, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Rafael Sanchez, for the place named "San Lorenzo," was presented and ordered to be filed and docketed with No. 674, and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *Aug.* 31, 1853.

In case No. 674, Rafael Sanchez, for the place named "San Lorenzo," the deposition of Wm. A. Richardson, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, with document marked No. 1, A. F., annexed thereto, was filed.

(Vide page 5 of this Transcript.)

SAN FRANCISCO, *June* 7, 1854.

Case No. 674, on motion, was ordered to be placed at the foot of the 1st class cases on the *final* docket.

SAN FRANCISCO, *July* 1*st*, 1854.

In the same case, the deposition of José Abrego, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed.

(Vide page 6 of this Transcript.)

SAN FRANCISCO, *August* 17, 1854.

Case No. 674 was submitted on briefs.

SAN FRANCISCO, *January* 30, 1855.

In the same case, Commissioner R. Aug. Thompson delivered the opinion of the board rejecting the claim.

(Vide page 19 of this Transcript.)

And the following order was made, to wit:

(Vide page 19 of this Transcript.)

Petition.

To the United States Land Commission for the ascertaining and settling of private land claims in California.

The petition of Rafael Sanchez, a native and resident of California, respectfully showeth unto your honorable body, that on the 1st day of September, 1845, one José Abrego made and presented his petition in writing for a tract of land, a description of which will be given hereafter, and known "San Lorenzo," and that such petition was then and there referred to the prefect for further information.

That your petitioner, on the 4th of December, 1845, bought of said Abrego all the right, title, and interest, which he, the said Abrego, might have acquired by the petition above referred to, and presented a new petition on the 14th of Dec., 1845, in his own name, for the same tract of land.

That the prefect of the first district having reported in favor of your petitioner, Governor Pio Pico, on the 18th of February, 1846, declared your petitioner the proper owner of said land, and ordered a formal grant to be issued.

That such grant issued on the 27th of July, 1846, and was handed to your petitioner after having been properly recorded in the archives of California.

That such original grant, together with the other original documents, as petition, reference, report, map, &c , &c., are in the hands of your petitioner, and will be submitted to the inspection of your hon'l body.

And your petitioner further saith, that the land above referred to is situate in the present county of Monterey, near the mission de Solidad, is known by the name of "San Lorenzo," and bounded on the north by the Cañada Grande; on the east by the arroyo de San Juan; on the south by the Mesa Grande, and on the west by the land of Feliciana Soberanes, containing 11 square leagues.

That your petitioner has been in the quiet and undisputed ownership of said land, for more than seven years last past, and is not aware of the existence of any title paramount or conflicting with his own.

He therefore claims to be the owner of said land, and prays that your hon'l body will confirm and validate his claim and title thereto.

CLARK, TAYLOR & BECKH,
Atty's for Sanchez.

Filed in office, March 1, 1853.

GEO. FISHER, *Sec'y.*

Recorded in vol. 2 of Petitions, on pages 55, 56.

GEO. FISHER, *Sec'y.*

Deposition of W. A. Richardson.

OFFICE OF THE COMMISSIONERS OF LAND CLAIMS IN CALIFORNIA,
SAN FRANCISCO, *Aug't* 30, 1853.

This day, before Commissioner Alpheus Felch, came William A. Richardson, a witness in behalf of claimant, Rafael Sanchez, case No. 674, and after being duly sworn, deposed as follows:

Questions by Mr. Clark, Atty. for the Claimant.

1st question. What are your name, age, and place of residence?

Answer. My name is William A. Richardson; my age forty-eight years, and I reside at Sancelito, Maria county, in California; I have resided in California thirty years.

2d question. Look at the document now shown to you, marked exhibit No. 1, with the initials "A. F.," and annexed to this deposition, and state what you know in regard to the genuineness of the signatures thereto?

Answer. I am acquainted with the handwriting of Pio Pico, José Matias Moreno, José Abrego, Manuel Castro, and Rafael Sanchez; their signatures appearing on this document are all genuine.

I have often seen each of them write; the signature "Pico," occurring twice on said document, is the genuine signature *signature* of Pio Pico, and that of Moreno is the genuine signature of José Matias Moreno.

WILL'M A. RICHARDSON.

Mr. Navarro appeared for the law agent on behalf of the United States, at the taking of this deposition, but declined to ask the witness any questions.

Subscribed and sworn to before me, this thirtieth day of August, A. D. 1853.

ALPHEUS FELCH,
Commissioner.

Filed in office, Aug't 30, 1853.

GEO. FISHER, *Secr'y.*

Recorded in Ev. book, vol. 3, p. 108.

GEO. FISHER, *Sec'y.*

Deposition of José Abrego.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *July* 1, 1854.

This day personally came before Peter Lott, commissioner for taking further testimony to be used before the board of U. S. land commissioners in said State, José Abrego, a witness on behalf of Rafael Sanchez, the claimant in case No. 674 on the docket of said board, and said witness being duly sworn, on oath deposed in Spanish, which was interpreted into English by the interpreter to said board, as follows, to wit:

The U. S. law agent is present.

Questions by Claimant's Counsel.

1st question. What is your name, age, and residence?

Answer. My name is José Abrego; my age 41 years; I reside in Monterey, California.

2d question. Are you acquainted with the rancho called San Lorenzo, in Monterey county? If yea, state what you know about the first improvement, occupation, and cultivation of said rancho.

Answer. I am acquainted with said rancho; I, myself, petitioned for the grant of it in the latter part of 1845, to Gov. Pio Pico, and placed upon it 50 head of cattle, and had a small wooden house built upon it; I afterwards, in the same month in which I petitioned, declined taking it, and relinquished my right to it to Rafael Sanchez, and I sold my cattle to said Sanchez, and gave him the house.

3d question. Do you know the boundaries of said rancho? If yea, state them.

Answer. My petition was for eleven leagues.

4th question. Look at the document marked "Exhibit No. 1," A. F., annexed to the deposition of Wm. A. Richardson, and filed in this case, and state whether you know all the natural objects which are described as boundaries in the grant contained in said document?

Answer. I know the objects so described; know the natural objects which are described as boundaries in the grant contained in said document.

Answer. I know the objects so described.

5th question. Does the diseño contained in said documents give a fair representation of said rancho?

Answer. It does; it is very clear.

6th question. How much land is embraced within the boundaries in said grant?

Answer. There is less than eleven leagues.

Cross-examined by the U. S. associate law agent.

1st question. Did you ever see said Sanchez on said rancho, after you abandoned your right to it?

Answer. I did not; he was a regular officer in the army, and could not be there.

2d question. Did you ever see any cultivation on the land?

Answer. No, it is not suitable for cultivation; it is broken and hilly and sandy.

3d question. Were you ever on the rancho of Soberanes, and do you know the boundaries thereof?

Answer. I have been on the rancho, but do not know the boundaries.

4th question. Was the rancho of Sanchez, in question, ever measured? If nay, how do you know it contains less than eleven leagues?

Answer. It never was measured; but when I petitioned for it, I rode over it, and estimated it to contain that quantity.

JOSE ABREGO.

Subscribed and sworn to before me, on this 1st day of July, A. D. 1854.

PETER LOTT,
Commissioner for taking testimony, &c.

Filed in office, July 1st, 1854. GEO. FISHER, *Sec'y.*

Recorded in Ev. B, vol. 5, p. 8. GEO. FISHER, *Sec'ry.*

Grant and Exped'te.

Exhibit No. 1, A. F., annexed to depo. of Wm. A. Richardson.

Pio Pico, Gobernador Constitutional del Departamento de Californias: [SELLO.]

Por cuanto el ciudadano Rafael Sanchez, ha pretendido para su benificio personal, y el de su familia, el terreno sobrante el parage de San Lorenzo, en las immediaciones de la ex'ma mision de la Solidad, en el distrito de Monterey, colindante al N. con la Cañada Grande, al E. con el arroyo de San Juan, al S. con la Mesa Grande, y al O. con el terreno de Don Feliciana Soberanes, como lo demuestra el diseño que obra en el espediente; practicadas previamente las diligencias y averiguaciones concernientes, usando de las facultades con que me hallo autorizado por el supremo gobierno à nombre de la nacion Mejicana, he venido en conceder el espresado Señor Sanchez, el terreno mencionado declarandole la propiedad de el por las presentes letras de conformidad con la ley de 18 de Agosto, de 1824, y reglamentos supremo de 21 de Noviembre, de 1828, à reserva de la aprovacion de la E. asamblea departamental, y bajo las condiciones siguientes:

1a. Podra cercarlo, sin perjudicar las travesias, caminos y servidumbres, lo disfrutara libre, y esclusivamente destinandolo al uso ó cultivo que mas le acomode.

2a. Solicitara del juez respectivo le de la posecion juridica, en virtud de este despacho por el cual se demarcaran los linderos con las mojoneras correspondientes.

3a. El terreno de que se hace donacion es de once sitios de ganado mayor. El juez que diere la posecion los hara medir conforme á ordenanza sin perjuicio de terreno quedando el sobrante que resulte á benificio de la nacion para los usos convenientes.

En consecuencia mando que teniendose el presente titulo por firme, y valedero se tome razon de el en el libro que corresponde, y se entregue al interesado, para su resguardo y demas fines. Dado en la ciudad de Los Angeles, en este papel comun por falta de sellado, á veinte siete de Julio, del año de mil ochocientos cuarenta y seis.

PIO PICO,
JOSE MATIAS MORENO,
S'crio Int'o.

José Abrego, c'no Mejicano, y vecino de este puerto, ante V. E. con el debido respeto hace presente que teniendo necessidad de un terreno para el fomento de sus intereses, y hallandose valdio la mayor parte del terreno conocido con el nombre de S. Lorenzo, el cual pertenecia a la mision de la Soledad, pide se le consedan once citios de ganado mayor desde el arroyo de S. Juan, hasta el rio de la Soledad, y desde el arroyo de San Lorenzo hasta la Cañada Grande, inclusive, seg'n el diseño adjunto esplica quedando sujeto á ql. se me de posecion despues de medirsele á Dn. Feliciana Soberanes, cuatro ó cinco sitios ql. en d'ho parage tiene consedido, segun debe constar en el archivo del gob'no. Por tanto, á V. E. suplico se digne acceder á mi solicitud en

lo ql. recibire gracia; juranda lo necessario, &c. Por no haver papel sellado vo la presente solicitud en este papel.
Monterey, Setiembre 1o, de 1845.

JOSE ABREGO.

ANGELES, *Octubre* 9, *de* 1845.

Pase al s'or prefecto de Monterey, parage informe circunstancia d'esta sobre la conteniendo en esta instancia, y en seguida vuelva á este gobierno para resolver.

PICO.

El derecho que tengo como primeo solicitante del terreno que espresa esta instancia los seda á fabor de Dn. Rafael Sanchez.
Monterey, D'bre 4, de 1845.

JOSE ABREGO.

[*For map see original, page* 11.]

Exhibit No. 1—*continued.*

PREF'A DEL 2o DISTRITO.

Pare este espediente à Dn. Rafael Sanchez pa. que esponga lo que su derecho convenga.
Monterey, D'bre 7, de 1845.

MAN'L CASTRO.

S'or Prefecto del 2o Distrito:

Constando en este espediente que'll S'r D'n José Abrego me ha cedido el d'ro que le corresponde como 1o solicitante del terreno nombrado San Lorenzo, fue pertenecia antes à la ex-micion de la Soledad, y cumpliendo con el superior decreto de V. S. que antecede: debo manifestar que admitiendolo sesion que—

(Here follows map.)

—me hace el S'r Abrego de su espresado d'ro he de merecer de V. S. se digne dar el informe que crea conveniente á fin de que el superior gobierno del departamente, en consideracion á mis servicios me conceda en propiedad el terreno mencionada en los mismos terminos que lo solicita el S'or Abrego.
Monterey, Dec'r 14, de 1845.

RAFAEL SANCHEZ.

PREF'A DEL 2o DISTRITO.

Ex'ma S'or Gob'or:

Impuestos esta prefectura de lo contenido en este espediente en el que aparece que Dn. Rafael Sanchez mediante la cesion que de su derecho le ha hecho Dn. José Abrego, como primeo solicitante pretende once sitios de ganado mayor en el parage de Sn. Lorenzo, perteneciente antes á la ex-micion de la Soledad, debe informar a V. E. que aunque es ciesto que el mismo parage de Sn. Lorenzo ha sido concedido á Dn. Feliciano Soberanes, la pref'a, cree que teniendo este una considerable estencion puede atenderse el presente pedido a la Voy que el suplicante indica que quedara sujeto á la medicion y posecion que obtenga el S'or Soberanes de los sitios que le corresponden. Por estas razones la pref'a es de opinion que el superior gob'or departamental, le conceda al S'or Sanchez, los once sitios que pretende sin perjuicio de los linderos que se le demarquen al S'or Soberanes, mas V. E. con su acreditado acierte resolvera lo que estime de justicia.

Es cuanto deba informar a V. E. en cumplimiento del superior decreto f'ha q. de O'bre ultimo que obra en este espediente.

Monterey, D'bre 18, de 1845.

MAN'L CASTRO.

ANGELES, *Feb'ro* 18, *de* 1846.

Estendiendose el titulo que le asegure la propiedad del interesado.

PICO.

Queda tomada razon de este superior despacho en el libro respectivo.

MORENO.

Filed in office, March 1st, 1853.

GEO. FISHER, *Sec'y*.

Translation of Grant and Espediente.

Pio Pico, Constitutional Governor of the Department of both Californias:

Whereas the citizen Rafael Sanchez has claimed for his personal benefit, and that of his family, the surplus land in the location of San Lorenzo, in the immediate neighborhood of the ex-mission of La Soledad, in the district of Monterey, bordering to north on the Cañada Grande; to the east, on the Arroyo de San Juan; to south, on the Mesa Grande; and to west, on the land of Don Feliciana Soberanes, as shown in the plot attached to the espediente; after having previously taken the necessary action, and made the necessary investigations in exercise of the powers with which I am authorized by the supreme government, in the name of the Mexican nation, I have concluded to grant said Sanchez the mentioned land, declaring it his property by the present letters-patent, in conformity with the law of 18th August, 1824, and superior regulations of 21st November, 1828, under reservation of the approval of the excellent departmental assembly, and under the following conditions:

1st. He may fence it without prejudice to the crossings, roads, and servitudes; he will enjoy it freely and exclusively, appropriating it to the use or culture that may best suit him.

2d. He will solicit of the respective justice to give him juridical possession in virtue of this document, by whom the boundaries are to be marked with the corresponding landmarks.

3d. The land donated is eleven square leagues (sitios de ganado mayor.)

The justice who shall give the possession will cause them to be measured conformable to ordinance, without prejudice to any third party, leaving the surplus that may result to the benefit of the nation for convenient purposes.

Consequently, I order that the present title-deed being held firm and valid, it be entered in the corresponding book, and delivered to the party interested for his security and other purposes.

Given in the city of Los Angeles, on this common paper, for want of stamped paper, on the 27th of July, in the year one thousand eight hundred and forty-six.

PIO PICO.
JOSE MATIAS MORENO,
Secretary ad int'm.

This document has been entered in the respective book.
MORENO.

(In the margin.) ANGELES, *October 9th*, 1845.

Be it sent to the prefect of Monterey, that he will report circumstancially on the contents of this instance, and thereafter return it to the government for its resolution.

PICO.

I hereby cede the right I have as first petitioner of the land expressed in this instance, in favor of Don Rafael Sanchez.
Monterey, December 4th, 1845.

JOSE ABREGO.

PREFECTURE OF THE 2ND DISTRICT.

Be this espediente sent to Don Rafael Sanchez, that he may represent what his right admits of.
Monterey, December 7th, 1845.

MAN'L CASTRO.

Sir Prefect of the 2nd District:

It being shown in the espediente, that Don José Abrego has relinquished to me the right he has as first petitioner of the land called San Lorenzo, which formerly belonged to the ex-mission de La Soledad, and complying with your honor's superior decree above, I must show that admitting the cession made to me by Mr. Abrego of his said right, I desire of you that you will be pleased to give the report you may think suitable, so that the superior government of the department, in

consideration of my services, may grant me the ownership of the mentioned land on the same terms as solicited by Mr. Abrego.

Monterey, December 14th, 1845.

RAFAEL SANCHEZ.

Government for its resolution.

PICO.

I hereby cede the right I have as first petitioner of the land expressed in this instance in favor of Don Rafael Sanchez.

Monterey, December 4th, 1845.

JOSE ABREGO.

PREFECTURE OF THE 2D DISTRICT.

Be this espediente sent to Dn. Rafael Sanchez, that he may represent what his right admits of.

Monterey, December 7th, 1845.

MAN'L CASTRO.

Sir Prefect of the 2nd District:

It being shown in the espediente, that Don Jose Abrego has relinquished to me the right he has as first petitioner of the land called San Lorenzo, which formerly belonged to the ex-mission of La Soledad, and complying with your honor's superior decree above, I must show that admitting the cession made to me by Mr. Abrego of his said right, I desire of you that you will be pleased to give the report you may think suitable, so that the superior government of the department, in consideration of my services, may grant me the ownership of the mentioned land on the same terms as solicited by Mr. Abrego.

Monterey, December 14th, 1845.

RAFAEL SANCHEZ.

PREFECTURE OF THE 2ND DISTRICT.

Excellent Sir Governor:

The prefecture being informed of the contents of this espediente, in which it appears that Don Rafael Sanchez, by means of the cession made by Dn. José Abrego of his right as first petitioner, claims eleven square leagues of land in the location of San Lorenzo, formerly belonging to the ex-mission of La Soledad, must report to your excellency that though it is certain that the same location of San Lorenzo has been granted to Don Feliciano Soberanes, this prefecture thinks that the latter having a considerable extent, the present petitioner can be attended to at the same time, as he indicates that the land will remain subject to the mensuration and possession of which Mr. Soberanes may obtain of the sitios belonging to him.

By reason hereof the prefecture is of opinion that the superior departmental government may grant Mr. Sanchez the eleven sitios he claims, without prejudice to the boundaries to be marked out to Mr. Soberanes; but your excellency, with your well known discrimination, will resolve what you shall deem to be just.

This is all I ought to report to your excellency in compliance with your superior decree dated 9th of October last, and attached to this espediente.

Monterey, December 18th, 1845.

MAN'L CASTRO.

ANGELES, *February 18th*, 1846.

Let the title-deed, to serve the ownership of the interested party, be issued.

PICO.

Filed in office, Oct. 11th, 1853.

GEO. FISHER, *Secretary*.

Opinion.

RAFAEL SANCHEZ vs. THE UNITED STATES. } No. 674.

San Lorenzo.—11 Square Leagues of Land in Monterey county.

This claim purports to be founded on a grant made by Governor Pio Pico, on the 27th day of July, 1846. According to the ruling of the board in other cases, the Mexican authorities in California could not rightfully exercise their functions after the receiving of the American flag at Monterey, on the 7th of that month.

The grant in this case being made subsequent to that period, is therefore invalid, and the claim founded upon it must be rejected.

Filed in office, Jan. 30, 1855.

GEO. FISHER, *Sec'y*.

Decree.

RAFAEL SANCHEZ vs. THE UNITED STATES. }

In this case, on hearing the proofs and allegations, it is adjudged by the commission, that the claim of the said petitioner is not valid, and it is therefore ordered that his application for a confirmation thereof be denied.

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office, Jan. 30th, 1855.

GEO. FISHER, *Sec'ry*.

Order.

And it appearing to the satisfaction of the board that the land hereby adjudicated is situated in the southern district of California, it is or-

dered, that two transcripts of the proceedings and of the decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the United States district court clerk for the southern judicial district of California, and the other be transmitted to the Attorney General of the United States.

OFFICE OF THE BOARD OF COMMISSIONERS

To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing twenty pages, numbered from 1 to 20, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 674 on the docket of said board, wherein Rafael Sanchez is the claimant against the United States for the place known by the name of "San Lorenzo."

In testimony whereof, I have hereunto set my hand and affix my private seal, (not having a seal of office,) at San Fran-
[G. F.] cisco, California, this twenty-first day of July, A. D. 1855, and of the independence of the United States of America the eightieth.

GEO. FISHER, *Sec'y.*

UNITED STATES DISTRICT COURT,
Southern District of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, do hereby certify that the foregoing twenty pages, numbered from 1 to 20, both inclusive, contain a full, true, and correct copy of transcript No. 674, filed in this office, wherein Rafael Sanchez is appellant, and the United States are appellees, for the place named San Lorenzo.

In testimony whereof, I have hereunto set my hand, and
[SEAL.] affixed the seal of said court, at Los Angeles, California, this 28th day of April, A. D. 1856.

C. E. CARR, *Cl'k*,
By O. MORGAN, *Dep'y.*

UNITED STATES DISTRICT COURT,
Southern District of California.

CLERK'S OFFICE, LOS ANGELES.

Be it remembered, that on the day of , A. D. 185 , in the district court of the United States for the southern district of California, the following proceedings were had, to wit: a duly certified

transcript of the record of the proceedings and decision of the United States board of land commissioners to ascertain and settle the private land claims in the State of California, and of the documentary evidence and testimony of witnesses upon which said decision was founded, in the case wherein Rafael Sanchez is the claimant against the United States, for the place called San Lorenzo, was received and filed, and docketed with No. 277 on the docket of said court, and is in the words and figures following, to wit:

(Vide page 1.)

Upon which the following subsequent proceedings were had, to wit: The notice of appeal was filed Sept. 21st, 1855.

Los Angeles, *Sept. 21st*, 1855.

In this case, the petition for review was filed by claimant.

(Vide page 3.)

Los Angeles, *Sept. 24th*, 1855.

In this case, the answer of dis't att'y for U. *U.* was filed.

(Vide page 4.)

Los Angeles, *Dec.* 7, 1855.

In same case, the deposition of Teodoro Gonzales, a witness on the part of the U. States, was filed.

(Vide page 5.)

Los Angeles, *January 2d*, 1856.

In same case, deposition of Feliciano Soberanes, a witness on the part of the U. States, was filed.

(Vide page 9.)

Los Angeles, *M'ch 7th*, 1856.

In same case, the decree of this court was filed.

(Vide page 13.)

Los Angeles, *M'ch* 7, 1856.

In same case, the order of appeal to Supreme Court filed.

(Vide page 14.)

Petition for Review.

Rafael Sanchez
vs.
The United States. } Docket No. 277.

Appeal by Claimant.

To the honorable Judge of the United States District Court for the southern district of California.

The petition of Rafael Sanchez, a citizen of California, respectfully represents:

That under the provisions of the act of Congress of the 3d of March, 1851, he presented a petition to the commissioners appointed under

said act to examine claims to land in California, praying for the confirmation of this claim to the tract of land called "San Lorenzo," therein described, and situate in the present county of Monterey, California, under a grant from Governor Pio Pico to your petitioner, dated the 18th February, 1846, and accompanied it by evidence of his titles, and to which, for more particular description, he begs leave to refer.

That his said claim, being designated as No. 674 on the docket of the said commissioners, was rejected by them on the 30th January, 1855; that the said land is situate within the limits of the southern judicial district of California; that a transcript of the proceedings and decision of the commissioners in the case was filed in the office of the clerk of the court for that district on the 1st of August, 1855; and that, under date of the 21st of September, 1855, a notice was filed with the said clerk; that your petitioner appealed from such decision.

Your petitioner prays for a rehearing of the case upon this appeal; that the said decision of the commissioners may be reversed and annulled, and that the court will make such decree and order as may be necessary and proper, to recognise, confirm, and declare valid his title and claim to the premises mentioned and referred to in his said petition and evidence of claim.

And your petitioner will ever pray, &c.

STANLY & KING,
for Appellants.

Los Angeles, Sept. 21st, 1855.

Filed Sept. 22d, 1855.

C. E. CARR, *Cl'k*,
By J. W. ROSS, *Dep'y*.

Answer.

In the District Court of the United States for the southern district of California—Hon. Isaac S. K. Ogier, judge.

RAFAEL SANCHEZ
vs.
THE UNITED STATES. } No. 277.—(No. of Transcript 674.)

The answer of Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, to the petition for review, or rehearing of Rafael Sanchez, of the decision of the board of United States land commissioners in said cause, says:

That he denies all and singular, each and every allegation in said petition contained; and the respondent, for further answer, denies, generally, the validity of the alleged title of said claimant and petitioner, and prays that the decision of the said commissioners rejecting said claim or title of said Rafael Sanchez in said cause may be af-

firmed, and the title of said claimant and petitioner decreed to be invalid; and general relief.

P. ORD,
Att'y of the U. S. for the south'n district of California.

Filed Sept. 24th, 1855.

C. E. CARR, *Cl'k.*

Deposition of Teodoro Gonzales.

RAFAEL SANCHEZ } No. 277.
THE UNITED STATES. }

Deposition of Teodoro Gonzalez, a witness on the part of the United States, taken before me, Charles E. Carr, U. S. Commissioner for the southern district of California, at the city of Los Angeles, Dec. 7th, 1855, to be read in evidence on the trial of said cause.

Present, P. Ord, U. S. att'y; J. Thomas for claimant and app.; G. Goodman was sworn as interpreter.

Teodoro Gonzales being duly sworn deposes and says:

Quest. What is your name, age, and place of residence and occupation?

Answer. My name is Teodoro Gonzales; my age 52 years; I reside in Monterey; I am a ranchero.

Quest. Do you know the rancho of San Lorenzo, if there ever was such a ranch established in Monterey county, claimed by Rafael Sanchez?

Ansr. I know but two ranchos in Monterey county by the name of San Lorenzo; one formerly belonged to the mission of San Antonio, and was afterwards granted to Francisco Rico, who sold it to Randall, who now claims it; the other belonged to the mission of La Soledad, afterwards granted to Feliciano Soberanes, who now claims it.

Quest. How long have you lived in Monterey county?

Ans. I have lived in Monterey county since the year 1825, up to the present time.

Quest. Have you a ranch in Monterey county; and if yea, in what part of the county is it located; how long have you lived on it?

Ansr. I own a rancho in Monterey county. It is near the mission of La Soledad, in the plain on the north side of the river Monterey; I have lived there since the year 1837 up to this time; my rancho is called the Punto del Monte del Rincon.

Quest. Who is the owner and occupant of *of* rancho next above you on the river?

Ans. The heirs of Estevan Munras.

Quest. And who is the owner of the ranch next above the Munras rancho on the same side of the river?

Ans. Feliciano Soberanes; the rancho is called San Lorenzo.

Quest. Do you know the ranchos that have been founded in Monterey county previous to 1848?

Ansr. I know all the ranchos that have been founded in Monterey county since I came to California, though I do not remember the particular dates.

Quest. Do you know José Abrego, of Monterey county; if so, how long have you known him?

Ans. I have known him for the last twenty years, more or less.

Quest. Do you, or not, know whether said José Abrego ever founded rancho in Monterey county called San Lorenzo?

Ans. I have heard it said that José Abrego asked for a piece of land between the two San Lorenzos; I do not know whether he ever founded it, but I know that José Abrego transferred the land to Rafael Sanchez.

Quest. Do you know whether Rafael Sanchez ever built a house and placed cattle upon the land between the two ranchos of San Lorenzos?

Ans. I do not know.

Quest. If any rancho had been established there by Abrego or Sanchez, between the years 1846 and 1848, or thereafter, would you not have been likely to have known it?

Ans. I should have been likely to have heard about it, if such had been the case.

Quest. About what is the distance from your rancho to this land between the two San Lorenzos?

Ans. It is about 25 or 26 miles.

Quest. What high road leads to that rancho, and does it pass by your house?

Ansr. The main road from Monterey to San Antonio passes near my house and by this rancho; the Salinas river is between the road and my house.

Quest. Is there any other high road which would lead to this land between the two San Lorenzos?

Ans. There is another road; it is the main road from San Francisco to the southern country, and passes by this place.

Quest. Is this road within sight of your house or ranch?

Ans. It is.

Quest. Do you know where Rafael Sanchez has lived for the last ten or twelve years; and if yea, where?

Ans. He has been living in Monterey since the year 1843, and is still living there.

Quest. Where does José Abrego live?

Ans. In Monterey.

Quest. How long has he lived there?

Ans. About 18 years, more or less.

Quest. Did he ever live anywhere else since you have known him?

Ans. He has always lived in Monterey; he went once to Mexico and returned again.

Cross-examined by Claimant's Att'y.

Quest. Are there not many persons living nearer to the rancho of San Lorenzo than yourself?

Ans. There are four places nearer to San Lorenzo than mine—La Posa, San Vicente, and the other La Soledad and Los Coches.

Quest. When were these ranches founded?

Ans. I gave the possession of the ranchos La Posa, San Vicente, and Rincon de los Coches; I was judge at the time; I think it was in 1843.

Quest. Were all these ranchos inhabited since their foundation?

Ans. Yes.

Quest. Are they now inhabited by the same persons who founded them?

Ans. They are.

Quest. Would they not be more likely to know all about the settlement and improvement of this rancho than you would?

Ans. I think they ought, to the fact whether it was settled or not, they knowing the land; I do not.

Quest. Are not the two San Lorenzos' ranchos inhabited?

Ans. One is inhabited; the other belonging to Randall, I cannot say.

Quest. Does the owner occupy the inhabited one?

Ans. Yes; Feliciano Goberanes.

TEODORO GONZALES.

Sworn to and subscribed before me, this 7th of Dec., 1855.

C. E. CARR, *U. S. Com'r.*

Filed Dec. 7th, 1855.

C. E. CARR, *Cl'k.*

Deposition of Feliciano Soberanes.

RAFAEL SANCHEZ, appellant,
vs.
THE UNITED STATES, app'ee. } No. 277.—Transcript No. 674.

On appeal in the District Court U. S. for south. dist. of California.

Deposition of Feliciano Soberanes, a witness on the part of the United States, taken by consent of att'ys for appellant and appellee, before C. E. Carr, U. S. Commissioner, at Los Angeles, California, January 2nd, 1856, to be used in evidence on the trial of above entitled cause. P. Ord, U. S. att'y for appellee, and Alonzo Thomas, att'y for appellant.

Direct Examination by P. Ord, U. S. Dist. Att'y.

Quest. What is your name, age, occupation, and place of residence?

Ans. My name is Feliciano Soberanez; age sixty-six; laborer and ranchero; residence, mission of La Soledad, Monterey, California.

Quest. 2d. How long have you lived in California?

Ans. Since my birth.

Quest. 3d. How long have you lived in Monterey county?

Ans. All my life.

Quest. 4th. Do you own any ranchos in the said county of Monterey? and if yea, state their names, locality, and the length of time you have occupied them.

Ans. I own the ranchos of San Lorenzo and the Soledad. The rancho of San Lorenzo is situated about five leagues distant to the east of the mission of Soledad, bounded by the river of Monterey on one, on another by the arroyo of San Lorenzo, on another by the side towards the Soledad, by the arroyo del Chalones. The extent of the rancho is of the extent of about five leagues on the said river. I have occupied the said rancho since the year 1840. The other rancho is La Soledad; it is located at the mission of Soledad; I have occupied it since the 1840; it is of the extent of about two leagues.

Quest. 5th. Have you lived in person upon the rancho of San Lorenzo; if so, how long?

Ans. I lived with my family, or a part of them, three years on the San Lorenzo rancho—from 1840 to 1843; I have been on said rancho from the year 1843 to the present time about once a month, looking after my stock and interests there; since 1843 I made my private residence at the Soledad.

Quest. 6th. Do you know of any other ranchos in Monterey county, Cal., called San Lorenzo; and if yea, state where they are located, and who owns or claims to own them?

Ans. The only rancho by that name known to me, other than my rancho, is the one formerly belonging to Francisco Rico. It is situated in the mountains to the east of the rancho of Mariansitto Soberanes, called San Bernardo, and it is about twelve leagues towards the east from my house, on my rancho of San Lorenzo, to the house of Rico, on his said rancho.

Quest. 7th. Are you well acquainted with the ranchos in said Monterey county, which were founded previous to 7th July, 1846?

Ans. Yes, I am well acquainted with them.

Quest. 8th. Do you, or not, know of the foundation of any rancho or ranchos in said county called San Lorenzo, by one José Abrego? and if yea, state all you know about it.

Ans. I know of no rancho by that name in Monterey county founded by José Abrego.

Quest. 9. Do you know of any rancho in Monterey county or elsewhere in California called San Lorenzo, other than the two you have before mentioned, having been founded or occupied in any manner by any person or persons? and if yea, state all you know upon the subject.

Ans. The only other rancho that I know of in California, by the name of San Lorenzo, is situated in the Contra Costa, on the bay of San Francisco; it belongs to, and is occupied by, Carlos Castro.

Quest. 10. Do you know José Abrego, of Monterey county, Cal.? If yea, how long have you known him?

Ansr. I do know him, and have known him as a resident of Monterey, since about the year 1834 to the present time.

Quest. 11. Do you or not know whether the said Abrego ever built a house (small wooden) upon a tract of land adjacent to your rancho of San Lorenzo, in said Monterey county? and, if yea, state generally what you know upon the subject.

Ans. I do not know that the said Abrego ever built such a house adjacent to my said rancho of San Lorenzo.

Ques. 12. Do you or not know that the said Abrego ever put any cattle upon any land adjacent or near to your said rancho of San Lorenzo? If yea, when, and how many?

Ans. I do not know of his putting cattle at any time near his said rancho; nor did he ever hear of its being done by said Abrego.

Quest. 13. Do you know the rancho or tract of land claimed in this case by Rafael Sanchez, as delineated in the map appearing in the transcript from the land commissioners, and now shown you; and, if yea, state whether or not the said rancho or tract of land was ever occupied by a house and cattle, and by whom, and when?

Ans. I do not know that Sanchez has a ranch or tract of land, such as is delineated in the map now shown me; I know the land which is represented in the map; a large part of the land in said map, about one league, is a part of my rancho of San Lorenzo; my part of the said rancho is bounded on the river of Monterey, and extends back eastwardly to the Penal which appears marked on said map.

Quest. 14. Did any person or persons ever occupy, in any manner, any of the land as delineated in said map, other than yourself?

Ans. No person or persons have ever occupied any of the said land in any manner, except myself, and some squatters who have, within a year or two past, established themselves in the mountains.

Cross-examined by Alonzo Thomas, Counsel for Appellant.

Quest. 15. Where did you live in the year 1845?

Ansr. In the Soledad, which is about five leagues from my San Lorenzo rancho.

Quest. 16. Were you about and riding over the land as shown in the map, about the 1st of September, 1845, till about the 1st of January, 1846?

Answer. No, I was not within and riding over the land at these times, but my sons were.

Quest. 17. How long before the 1st Sept., 1845, were you on said land?

Ans. I can't recollect.

Quest. 18. Might not some person have built a house and put cattle upon the said land, between the 1st of September, 1845, and the 1st of January, 1846, without your knowledge?

Ansr. I think not; because there was always some persons moving about the land, who would have seen them; it might have been done without my seeing it, but my children would have seen it.

FELICIANA SOBERANES.

949.

Sworn to and subscribed before me, this 2d day of January, A. D. 1856.

C. E. CARR,
U. S. Com'r.

Filed Jan'y 2d, 1856.

C. E. CARR, *Cl'k.*

Decree.

THE UNITED STATES, appellee, ads. RAFAEL SANCHEZ. } No. 277.—San Lorenzo.

United States District Court for the southern district of California.

This cause coming on to be heard at a regular term of this court, upon an appeal from the decision of the commissioners for ascertaining and settling private land claims in the State of California, under the act of Congress approved on the 3d of March, 1851, upon the transcript of the decision, and the proceedings and papers, and evidence upon which said decision was founded, and such further evidence as has been taken in this court; and it appearing that said transcript has been filed according to law, and counsel for the respective parties having been heard, it is ordered and adjudged, and decreed, that the said decision of the said commissioners be reversed; and that the claim of the said Rafael Sanchez, appellant herein, to the land described in the grant in this case, is a good and valid claim, subject however to the grants that may have been made to one Soberanes, to the extent of four or five square leagues, within the place called San Lorenzo; and the claim of the said Sanchez is hereby confirmed, to the extent of eleven square leagues, provided that the said quantity be contained within the limits called for in the said grant, less the right of the aforesaid Soberanes to the four or five leagues aforesaid but if there be less than the said named quantity of eleven leagues, then the claim of the said appellee to the said less quantity.

ISAAC S. K. OGIER,
U. S. dist. judge.

Filed March 7th, 1856.

C. E. CARR, *Cl'k*,
By O. MORGAN, *Dep'ty.*

Appeal.

In the District Court of the United States for the southern district of California—Los Angeles, December Term, 1855.

RAFAEL SANCHEZ, appellee, ads. THE UNITED STATES, appellant. } No. 277.—No. 674 of Transcript.

On appeal from the United States Land Commission.

On motion of P. Ord, attorney of the United States for the southern district of California, it is hereby ordered by the court, that an appeal be granted the United States from the judgment of this court against

the United States, in the above entitled cause, rendered on or about the 6th day of March, A. D. 1856.

P. ORD.

Filed M'ch 7th, 1856.

C. E. CARR, *Cl'k*,
By O. MORGAN, *Dep'ty*.

DISTRICT COURT OF THE UNITED STATES,
Southern district of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, hereby certify the foregoing fourteen pages, numbered from 1 to 14, contain a full, true and correct transcript of the record of the proceedings and decision of said court, of the documentary evidence and testimony of witnesses on which the said decision was founded, on file in this office in case No. 277 on the docket of said court, wherein Rafael Sanchez is appellant and the United States are appellees, for the place called San Lorenzo.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at Los Angeles, California, this 28th day of April, A. D. 1856, and of the independence of the United States of America the eightieth.

[SEAL.]

C. E. CARR, *Cl'k*,
By O. MORGAN, *Dep'y*.

Index.

Abl	Johnson	3661.
Arkansas, State of	Holford's adm.	3733
Bacon et al	Howard	641.
Buckley et al	Withers	580.
Brig Groton	St. Boat N. York	696.
Brown	Shannon	925.
Buckner	Com. Bk. of Manchester	1090.
Boyd's adm.	Mattingly et al	1672.
Bertram et al	Lyons	1721.
Breitling	U. States	1747.
Burnley	White et al	1763.
Brown	Wiley & Co.	4102.
Barton	Forsyth	4188.
Bolton	U. States	4649.
Curtenius et al	Morgan	16.
Carroll et	Taylor's adm.	415.
Christ Ch. Hospital	Phil. County of	588.
Com. Bk. of N. Orleans	Compton	892.

Compton	Comt. Bk. of N. O.	892.
Cambuston	U. States	940.
Comt. Bk. of Manchester	Buckner	1090.
Corporation of Wash.	Smith use &c	1693.
Covington Draw Brig Co	Shepherd	1844.
Carroll's lessee	Dowson's heirs	1886.
Chaffee, Trustee	Hayward	1958.
Cooper	Roberts	1977.
Collier	U. States	2888.
Cavazos et al	Shannon	3112.
Cropper	U. States	4326.
Chapman	M'Cargo	4361.
Chaboya	U. States	4472.
Durant	Lawrence use	115.
Dorsette	Langs et al	646.
Dynes	Hoover	950.
Dowson's heirs	Carroll's lessee	1886.
Day	Hayward	1968.
Dean	Mason et al	2632.

Day	Union India R. Co	2709.
Dorsman	Stinson	1694.
Dickson et al	Marks	4166.
Foote	Silsby et al	2008.
Fisher	Halderman	2431.
Forsyth	Barton	4188.
Foote	Silsby et al	4348.
Foxall	U. States	4514.
Garland	Wynn	406.
Gore	U. States	984.
Grant et al	Dillon et al	1910.
Goodman	Simonds	2607.
Gayyam	Phillips Exrs	3062
Gourd, Frers & Co.	Livingston	3710.
Groves adm	Ingraham	3970.
Gooding's adm	Oliver's Exrs	4126.
Hill et al	Snow et al	30.
Howard	Bacon et al	641.
Hickok et al	Stewart et al	696.

Hudgins et al	Hudgins a[illegible]	722.
Hudgins a[illegible]	Hudgins et al	722.
Hoover	Hynes	950.
Haungerford	Higerson	1735.
Hayward	Chaffee et	1958.
Hayward	Day	1968.
Haldeman et al	Fisher	2431.
Hoyde & Oglesby	Stone	2624.
Holford's adm'r	Arkansas, State of	3733.
Haines et al	Papin	4285.
Holcombe	M'Kusick et al	4366.
Holroyd	Humphrey	4403.
Jones et al	M'Masters	618.
Johnson	Ahl	3661.
Irvine	Marshall	3686.
Ingraham et al	Groves adm'r et	3970.
Kidder	Lafayette Ins. Co.	2596.
Lawrence	Durant	115.
Langyet et al	Dorwell	646.

Leroy et al	Wade	692.
Lyons	Bertram et al	1721.
Leitendorfer et al	Webb	1850.
Lapsley	Spencer	2386.
Lafayette Ins. Co.	Kidder	2396.
Livingston	Gould, Trens & Co.	3710.
Morgan	Curtenius et al	16.
Morrell	Myers	323.
Myers	Morrell	323.
Morris et al	Myers	366.
McMasters et al	Jones et al	618.
McCormick	Talcott et al	1115.
Mason et al	Dean	2632.
McGavock	Woodliff	2700.
Myers et al	Seyden	3090.
Marshall	Irvine	3686.
Mathews	Ingerson	4116.
Marks	Dickson et al	4166.
Moreland	Page	4240.

M Faul	Ramsey	4309.
M Cargo	Chapman	4361.
M Kusick et al	Holcombe	4366.
Minnesota R.R. Co.	Rice	4388.
M Micken	Perin	4488.
Mattingly et ux	Boyd's adm'r	1672.
Niles et al	Payne	1926.
Northern Bk. of Ky.	Squire	2569.
Norton et al	Warner	3006.
Ontiveras	U. States	959.
Oliver's Exor's	Williams' adm'r	3848.
Oliver's Exor's	Gooding's adm'r	4126.
Phila. County of	Christ Ch. Hospital	588.
Patten et al	Tillen et al	1664.
Pacheco	U. States	1706.
Poillon et al	Grant et al	1910.
Payne et al	Niles et al	1926.
Payne	Watterston	2408.
Peoples Ferry Co. et	Ferry's assignee	2874.

Phillips Lessee	Gaygan	3062.
Peebles Le	Sampson et al	3728.
Page	Moreland	4240.
Papin	Haines et al	4286.
Pumphrey	Holroyd	4403.
Perin	M Mickey	4488.
Pico	U. States	4632.
Rorer admr.	White, Lessee &c	1.
Roberts	Cooper	1977.
Ramsey	M.c Paul	4309.
Rice	Minnesota R.R Co	4388.
Snow et al.	Hill et al	30.
Steam Tow Boat Sta	Ship Ocean Queen	30.
Ship Ocean Queen	Steam Tow B. Sta	30.
St. Boat Metamphka	St. Boat Magnolia	594.
St. Boat Magnolia	St. Boat Metamphka	594.
Stewart et al	Hickok et al	696.
St. Boat N. York	Brig Groton	696.
Shannon et al	Brown	925.

Secombe	Steele	1010.
Steele	Secombe	1010.
Smith use	Corpn. of Washn	1693.
Sigerson	Hungerford	1736.
Shepherd	Covington D. & Co.	1844.
Shoffend & al	Todd & al	1936.
St. Ship Ld. Ager	Todd & al	1936.
Selby et al	Foote	2008.
Spencer	Lapsley	2386.
Selden & al	Thompson	2423.
Squire	North. Bk. of Ky	2589.
Simonds	Goodman	2607.
Stone	Hyde & Oglesby	2624.
Snydam	Williamson	3014.
Selden	Myers et al	3090.
Shannon	Cavazos & al	3112.
Stinson	Bousman	3694.
Sampson et al	Peaslee use	3728.
Sigerson	Mathews	4116.

Silsby et al	Foote	4348.
St. Boat Hughes Jenkins	Sawyer et al	4413.
Sawyer et al	St. Boat Hughes Jenkins	4413.
Taylor's adm'r	Carryl &c	415.
Talcott et al	McCormick	1115.
Teller et al	Patten et al	1664.
Todd et al	Stoffer et al	1936.
Thompson	Selden et al	2423.
Terry's assignee	Peoples Ferry Co. &c	2874.
United States	Cambuston	940.
" "	Rivieras	959.
" "	Gore	984.
" "	Pacheco	1706.
" "	Breitling	1747.
Union India R. Co.	Day	2709.
United States	Collier	2888.
" "	Gomila	4220.
" "	Cooper	4326.
" "	Weber	4434.

United States	Chaboya	4472
" "	Forsat	4514.
" "	Rico	4632
" "	Bolton	4649.
White, Stevens & Co.	Rose's adm.	1.
Wynn	Morris et al	366.
Wynn	Garland	456.
Withers	Buckley	680.
Wade	Leroy et al	692
White et al	Burnley	1763.
Webb	Leitendorfer	1850.
Watterson	Payne	2406.
Woodliff	McGavock	2700.
Williamson	Laydam	3014.
Warner	Norton et al	3050.
Williams' adm.	Oliver's Extrs	3846.
Wiley & Co.	Brown	4102.
Weber	U. States	4434.
Yount	" "	4222.